(3)

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

W. P. NO. 1100 OF 2004

PETITIONER

Dr. Arun Agrawal, S/o Late Shri Hazari Lal Agrawal Aged about 43 years, Occupation – Service, Presently posted and working as Gynecologist & Medical Superintendent at Central Hospital, South Eastern Coalfileds Limited, Manendragarh District Korea [Chhattisgarh]

Attested
AR(C) 1/10/04

P. R. No. 989/04
Presented by Shri Rupesh Tejwani
dated 02.04.04

V E R S U S

RESPONDENT

2. The Collector, District Surguja [Ambikapur] [Chhattisgarh]

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

(3)

CR 1100

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

W. P. NO. 1100 OF 2004

PETITIONER

Dr. Arun Agrawal, S/o Late Shri Hazari Lal Agrawal Aged about 43 years, Occupation – Service, Presently posted and working as Gynecologist & Medical Superintendent at Central Hospital, South Eastern Coalfileds Limited, Manendragarh District Korea [Chhattisgarh]

Attested
A.R.(O) 1/10/04

P. R. No. 989/04
Presented by Shri Rupal Singh
dated 02.10.04

VERSUS

RESPONDENTS

Amended As
per the order
of the court
dated 12/8/04

1A State of Chhattisgarh,
Through Secretary,
General Administration,
Department Mantralaya,
D.K.S. Bhawan, Raipur(C.G.)

3. Subhash Chandra Agrawal,
Ketka Road, Behind Nehru
Park, Surajpur, District
Surguja (C.G.)

ts as

30/9/04
Adv. Rupal Singh

(95)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ, बिलासपुर

मामला क्रमांक W.P. 1100 **सन् 2004**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	29.09.2005 Shri Ashish Shrivastava, counsel for the petitioner. Shri Sanjay S. Agrawal, Government Advocate for the respondents No. 1 and 2. Shri A.K. Prasad, counsel for the respondent No. 3 Heard. The petitioner, who is working as Medical Superintendent at Central Hospital of South Eastern Coalfields Ltd., Manendragarh, has filed this petition challenging the order dated 27.01.2003 passed by the Collector, Surguja (Ambikapur), in Revenue Case No. 158/B-121/2002-2003. The respondent No. 3 made a complaint to the Collector, Surguja (Ambikapur) that the petitioner was careless and negligent in treating wife of the complainant, and it resulted into death of his wife. The facts of the case are that the wife of the respondent No. 3 was admitted to the South Eastern Coalfields Ltd., Regional Hospital, Vishrampur on 27.05.2002 at 10.00 a.m., on check up, it was found that some serious complications	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P. 1100..... **सन् 2004**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

had arisen, as such the case was referred to the Holy Cross Hospital, Ambikapur, immediately, at 4 o'clock. She had died at 7.05 p.m. on 28.05.2002.

The respondent No. 3 made a complaint to the Collector that his wife had died due to the negligence and mal treatment by the petitioner.

The respondent No. 1 got the enquiry conducted through Naib Tahsildar, Pilkha Kshetra, Tahsil Soorajpur, Surguja. In the enquiry proper notice was given to the petitioner and the petitioner participated in the enquiry. On enquiry the Naib Tahsildar, submitted his report on 14.10.2002 to the Sub Divisional Officer, Soorajpur, holding that the complaint made against the petitioner was without any basis and on account of personal animosity. The report was forwarded to the Collector and the Collector disagreeing with the enquiry report of the Naib Tahsildar, called for the records and examined the Enquiry Officer and the complainant but no notice was given to the petitioner. On enquiry, he found that the petitioner was negligent and

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P. 1100..... **सन् 2004**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —3—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

careless in treating, Smt. Sushila Devi, wife of the complainant and recommended to the South Eastern Coalfields Ltd., for taking appropriate disciplinary enquiry against him. It was further observed that the complainant/ respondent No. 3 was at liberty to move appropriate court/consumer forum for compensation.

Learned counsel for the petitioner submits that the Collector has conducted the enquiry without issuing any notice or intimation to the petitioner. There was a clear violation of the principles of natural justice while holding against the petitioner and making recommendation to the South Eastern Coalfields Ltd., for taking disciplinary action against the petitioner and granting liberty to the complainant to move the court/consumer forum for appropriate compensation.

The South Eastern Coalfields Ltd., after receiving the order of the Collector dated 27.01.2003 issued a notice to the petitioner, as he was employee of the South Eastern Coalfields Ltd. On examination of reply, the South Eastern Coalfields

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 1160 **सन् 2004**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 4 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Ltd., did not find any lapse on the part of the petitioner, Dr. Arun Agrawal and as such no case was made out for initiating any disciplinary proceeding against the petitioner by order dated 23.03.2004 (Annexure P-7).

In view of the facts and circumstances of the case, when South Eastern Coalfields Ltd., itself has decided not to initiate any disciplinary proceeding against the petitioner, on examining the reply of the petitioner; this court is of the opinion that going into the controversy of violation of the principles of natural justice, is academic at present. However, it is observed that if in future any action is proposed on the basis of the order of the Collector dated 27.01.2003 against the petitioner, the petitioner would be entitled to fresh notice and hearing as the order passed by the Collector is not passed after giving appropriate notice to the petitioner.

In view of the foregoing, the petition stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Babbu